BEFORE THE PUBLIC UTILITIES COMMISSION RECEIVED

OF THE STATE OF HAWAII

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In the Matter of the Application of)

ARMIJO, INC., dba KAPALUA EXECUTIVE TRANSPORTATION SERVICES & EXECUTIVE SHUTTLE

To Extend Certificate No. 4591-C To Include the 8-to-25 Passenger Classification, on the Island of Maui. DOCKET NO. 02-0193

DECISION AND ORDER NO. 20334

Filed <u>July 17</u>, 2003 At <u>2:00</u> o'clock <u>P</u>.M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission State of Hawaii.

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DECISION AND ORDER

I.

By application filed on July 29, 2002, ARMIJO, INC., dba KAPALUA EXECUTIVE TRANSPORTATION SERVICES & EXECUTIVE SHUTTLE ("Applicant"), seeks an expansion of its authority pursuant to certificate of public convenience and necessity number 4591-C ("Certificate No. 4591-C"). Certificate No. 4591-C authorizes Applicant to operate as a common carrier of passengers by motor vehicle over irregular routes, on the island of Maui, in the 1-to-7 passenger classification. Applicant seeks commission approval to authority to its include the 8-to-25 passenger classification, representing that if its authority is extended as requested, it can meet customer demand for motor vehicles with a seating capacity of 8-to-25 passengers.

Applicant served copies of the application on the Hawaii Transportation Association which consists of carriers that may be affected by Applicant's proposed service, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"). The Consumer Advocate did not participate in this proceeding.

II.

On September 24, 2002, Temptation Tours, Inc. ("Temptation") filed a motion to intervene and memorandum in support of such motion. On September 25, 2002, SpeediShuttle LLC, dba SpeediShuttle, Airport Shuttle and ResortCar ("SpeediShuttle") (collectively with Temptation, "Movants"), filed a motion to intervene and memorandum in support of such motion. By Order No. 19928, filed on December 23, 2002, the commission denied Movants' motions to intervene. On December 31, 2002, Temptation filed a motion for reconsideration of Order No. 19928 and to introduce new evidence, pursuant to Hawaii Administrative Rules § 6-61-139. On January 2, 2003, SpeediShuttle also filed a motion for reconsideration of Order No. 19928 and to introduce new evidence. By Order No. 20016, filed on February 12, 2003, the commission denied Movants' motions for reconsideration and requests to introduce new evidence.

III.

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to Hawaii Revised Statutes

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¹Movants' motions for reconsideration and to introduce new evidence were virtually identical.

chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for an extension of its authority should be granted.

IV.

THE COMMISSION ORDERS:

- 1. Applicant is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Maui in the (1) 1-to-7 passenger classification, and (2) 8-to-25 passenger classification.
- 2. Applicant shall surrender Certificate No. 4591-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.
- 3. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff, filing the appropriate insurance documents, registering and marking the appropriate motor vehicles, and complying with the safety requirements of the Motor Vehicle Safety Office, Department of Transportation, State of Hawaii.
- 4. Applicant shall comply with the foregoing requirements within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

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5. Applicant shall not commence operations in the 8-to-25 passenger classification until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 17th day of July, 2003.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

carlito P. Caliboso, Chairman

By Mayne H. Kimura, Commissioner

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne (S.) Stone Commission Counsel

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 20334</u> upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY P. O. Box 541 Honolulu, HI 96809

ARMIJO, INC., dba KAPALUA EXECUTIVE TRANSPORTATION SERVICES & EXECUTIVE SHUTTLE P. O. Box 11526 Lahaina, HI 96761

JAMES RICHARD McCARTY, ESQ. McCARTY LAW OFFICE 2530 Kekaa Drive, Suite B-6 Lahaina, HI 96761

MA Washi

Karen Higashi

DATED: July 17, 2003